



SCHOOL OF LABOR AND EMPLOYMENT RELATIONS

Labor and Employment Relations Building, MC-504
504 E. Armory Ave.
Champaign, IL 61820-6297

In re College Athlete NIL Litigation, Docket No. 4:20-cv-03919

January 12, 2025

The Honorable Claudia Wilken
United States District Court
Northern District of California
1301 Clay Street
Oakland, CA 94612

FILED

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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

Dear Judge Wilken:

As a professor whose research has concentrated on NCAA athletics since 2012, I have followed this litigation closely.

The docket in this matter reflects interest by college athletes to have an independent association to speak on their behalf during the lengthy course of the proposed settlement period.

I write to inform the Court of my research article, "An Invisible Union for an Invisible Labor Market: College Football and the Union Substitution Effect," Wisconsin Law Review (2012), pp. 1077-1136, available in <https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2012/11/1-LeRoy.pdf>.

My research made a simple but novel point in 2012. There is a method to accommodate the request for representation by college athletes that would maintain their status as non-employees:

I theorize that college football players participate in an invisible labor market, where the NCAA is a monopsony purchaser and strictly allocates their labor to ensure competitive balance between schools....

This Article proposes a unique and limited form of collective bargaining for Division I football. This conception accounts for the fact that NCAA football differs from the NFL model because college players are full-time students who must adhere to a code of amateurism. Thus, the proposed model of collective bargaining does not involve wage negotiations or strikes. My analysis shows, however, that players have interests apart from wages. These include scholarship shortfalls (the difference between their grant-in-aid and true cost for attending college), extended or improved educational benefits,



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complete medical and hospital insurance for football-related injuries, long-term disability insurance for injuries such as brain trauma, transfer and eligibility rights not inconsistent with NCAA rules, and a grievance process to challenge abusive treatment by coaches and administrators. For negotiations between players and schools that deadlock on these subjects, the proposal draws from public sector labor laws that bar strikes but allow arbitration. This proposal would not alter the NCAA's amateur character.

Id. at 1084.

This letter reflects my personal professional perspective. I do not speak for the University of Illinois, Urbana-Champaign, nor the School of Labor and Employment Relations, nor the College of Law; nor any college athlete, law firm, or any other party with an interest in this matter.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Michael H. LeRoy".

Michael H. LeRoy
LER Alumni Professor
School of Labor & Employment Relations & College of Law
University of Illinois at Urbana-Champaign

